

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Christine Ann Mueller
Serial No: 09/837,932
Confirmation Number 8503
Filed: 19 April 2001
Title: Lighting System
Examiner: Silbermann, Joanne.
Art Unit: 3611
Case 1154-01

REPLY BRIEF

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Mail Stop Appeal Brief- Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Please enter the following reply brief in response to the Examiner's Answer of dated 2 February 2004. Reversal of all rejections is sought. The reply brief is submitted in triplicate.

ARGUMENTS

The appellant relies upon the arguments previously made in the Appeal Brief and supplements those arguments as set forth herein.

Independent claim 1 sets forth a frame member having a void portion and located within the void an electrical light source emitter. An eroded transparent or translucent glass member is disposed such that said electrical light source emitter substantially contacts said eroded transparent or translucent glass member.

The appellant states at page 10, lines 7-10 (paragraph 43) of the specification that,

The direct contact of the engraved glass 120

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to the light rope 12 in the channel 94 is desired as the light from the light rope 12 is more effectively transmitted through engraved glass 120.

The sole basis for the Examiner's finding that the Schöniger patent teaches a light contacting glass is the drawing in Fig 4. The specification of the Schöniger patent teaches,

A blind hole 14 extends from the top face of the light guide panel 12 into the interior of the light guide batten 12 towards the light guide panel 10. This blind hole 14 may come to an end short of the light guide panel 10 but it may however also extend into the light guide panel 10, as is in fact indicated in broken lines. This blind hole 14 receives an LED 15, whose *external diameter is essentially identical* to the diameter of the blind hole 14.
Schöniger patent column 5, line 5 et seq. (emphasis added)

There is no wording in the Schöniger patent that the electrical light source emitter substantially contact the eroded transparent or translucent glass member. It is certainly clear from Figs. 1, 2 and 3 of the Schöniger patent that the LED 15 does not contact an eroded transparent or translucent glass member. Fig. 4 of the Schöniger patent does not unequivocally show contact of the LED 15 with the light guide panel 10. The teachings of the Schöniger patent merely permit the blind hole 14 to extend to the light guide panel 10. The Schöniger patent never states that the LED 15 should contact the light guide panel 10. As the Schöniger patent teaches that *the external diameter of the LED 15 is essentially identical* to the blind hole 14 it would nearly impossible for the LED 15 to contact the light guide panel 10. The Examiner provides no reasoning to counter this argument.

The Schöniger patent may be using the blind hole 14 to provide airflow to

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cool his device from the heat generated by the LED 15. The appellant in claim 9 has selected a rope light as the electrical light source emitter. The rope light generates minimal heat and does not require an air space to dissipate that heat.

It is clear that the Schöniger patent teaches avoiding contact of the LED 15 with the light guide panel 10 or in having a slot 22 which would allow dissipation of heat generated by the LED 15. The Schöniger patent never explicitly states that the LED 15 should contact the light guide panel 10.

The Examiner is actually making an inherency argument, which is not permitted in an obviousness rejection. Simply said if the Schöniger patent author thought it was so important to have the LED 15 contact the light guide panel 10 such would have been unequivocally stated.

The Torrence patent is cited as merely teaching a rope light. The appellant does not believe the Torrence patent teaches a rope light and even if the Torrence patent teaches a rope light there is no motivation for one skilled in the art to substitute the lighting source in the Torrence patent for the LED 15 of Schöniger patent. Nor is there any reason provided in Torrence patent to modify the teachings in the Schöniger patent to have a light source make direct contact with the eroded transparent or translucent glass member.

Claim 9 requires the lighting system according to claim 1 to utilize a light rope 12 as the electrical light source emitter. The continuous length of uninterrupted the light rope 12 substantially contacting the eroded transparent or translucent glass member enhances the decorative effect of the invention. The light rope 12 is a soft lighting effect avoiding hot spots caused by individual bulbs. As neither the Torrence patent or Schöniger patent even disclose the existence of rope lighting the benefits of rope lighting cannot be recognized or predicted.

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Confirmation Number 8503
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Therefore the rejections made by the Examiner should be removed and such is requested. Should the Board have any questions, such may be directed to the number given on this page.

Respectfully submitted.



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